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Via ECF

The Honorable Judge John Gleeson
225 Camden Plaza East
Room 727 South
Brooklyn, New York 11201

Re: *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*,
No. 14-MD-01720 (JG) (JO)
Salveson et al. v. JP Morgan Chase & Co. et al., No. 1:14-cv-03529

Dear Judge Gleeson:

We write on behalf of the defendants in the above-captioned *Salveson* case. Defendants previously suggested that the Court hear the motion to dismiss in this case on July 11, 2014, the already scheduled date for hearing on the motions to dismiss in the opt out and declaratory judgment actions. On June 16, the plaintiffs wrote to the Court stating their unavailability for a hearing on July 11, and asked that the *Salveson* defendants' motion to dismiss be heard on a later date. In light of this, defendants will work with plaintiffs and the Court to schedule a mutually agreeable alternative hearing date.

Plaintiffs' June 16 letter also asks for permission to file a five page sur-reply to address what they characterize as a "new issue" raised in defendants' reply in support of the motion to dismiss. In reply, defendants highlighted the legal implications of two related concessions—namely, that merchants have not passed interchange fees on to plaintiffs, and that plaintiffs have not paid higher prices for goods and services as a result of the alleged increases in interchange fees. (Opp'n at 13, 14.) These concessions merely strengthen one of defendants' original grounds for dismissal: plaintiffs' failure to allege cognizable injury. That argument is not "new" and it does not warrant a sur-reply brief. Nevertheless, if the Court were inclined to grant plaintiffs' request, defendants respectfully request permission to file a short response to any issues raised in the sur-reply.

Respectfully yours,

/s/ Mark P. Ladner
Mark P. Ladner

cc: All Counsel of Record via ECF

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